

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

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|------------------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CASE NO. DNCW3:10CR112 |
| |) | (Financial Litigation Unit) |
| ROBERT OTTO, |) | |
| |) | |
| and |) | |
| |) | |
| NEW YORK CITY POLICE PENSION FUND, |) | |
| Garnishee. |) | |

ORDER OF CONTINUING GARNISHMENT

THIS MATTER is before the Court on the Answer of New York City Police Pension Fund as Garnishee. On September 15, 2011, the Honorable Max O. Cogburn, Jr. sentenced Defendant to twenty-two months of incarceration for his conviction of Conspiracy to Commit Mail Fraud in violation of 18 U.S.C. § 1341 and 1349. Judgment in the criminal case was filed on October 7, 2011 (Docket No. 18). As part of that Judgment, Defendant was ordered to pay an assessment of \$100 and restitution of \$2,600,327.00 to the victim of the crime. *Id.*

On November 8, 2011, the Court entered a Writ of Continuing Garnishment ("Writ") (Docket No. 22) to Garnishee, New York City Police Pension Fund ("Garnishee"). The United States is entitled to a garnishment of one hundred per cent of Defendant's periodic pension distributions, and has satisfied the prerequisites set forth in 15 U.S.C. § 1673. Defendant was served with the Writ on November 9, 2011, and Garnishee was served with the Writ on November 14, 2011. Garnishee filed an Answer on December 27, 2011 (Docket No. 25) stating that at the time of the service of the Writ, Garnishee anticipates owing Defendant monthly pension payments in the amount of \$2,676.89.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$2,600,327.00 computed through November 1, 2011. Garnishee will

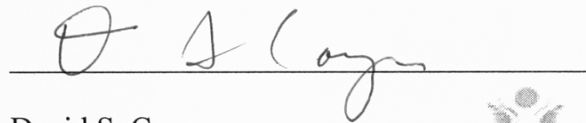
pay the United States one hundred per cent of Defendant's periodic pension distributions, and Garnishee will continue said payments until the debt to the Plaintiff is paid in full, or until Garnishee no longer has custody, possession or control of any property belonging to Defendant, or until further order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to the Clerk of the United States District Court, 401 West Trade Street, Charlotte, NC 28202. In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:10CR112.

Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment Defendant would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: January 18, 2012

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

